



09/480,193

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PATENT
ATTORNEY DOCKET IR 3556

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shi Jun Yang

Group Art Unit 1773

Serial No.: 09/480,193

Examiner: UHLIR, Nikolas J.

Filed : 01/10/2000

For: POLYMERIC ARTICLES HAVING A TEXTURED SURFACE AND
FROSTED APPEARANCE

DECLARATION UNDER 37 CFR 1.132

Mail Stop AF
Commissioner for Patents
PO. Box 1450
Alexandria, VA 22313-1450

Sir:

Declarant, SHI-JUN YANG, hereby declares as follows:

1. That I am an inventor of the above-identified application and am familiar with the prosecution thereof, including the Examiner's conclusion in the Office Actions mailed 3/17/03, 09/25/03 and 4/1/2004 that the claimed compositions are obvious, and the Examiner's suggestion that the applicant present a comparison of the instantly claimed invention to that of the formulations by Hennig in US Patent 4,876,311.
2. That I believe my claimed discoveries are not taught or suggested by the cited art, as shown by the attached comparison data and samples.
3. That I conducted experiment(s) on June 23 and July 23, 2003 as recorded in my lab notebook No.065703, page 32 and 33, and wherein polymer particles having 59% by weight of methyl methacrylate (MMA), 40% by weight styrene (STY), and 1% by weight allyl

methacrylate (ALMA) cross-linker were synthesized. The measured average particle size was 38 microns. 30% by weight of the MMA/STY/ALMA particles were then compounded with 70% by weight polymethylmethacrylate (PMMA) and injection molded to form a 2" x 3" x 0.125" plaque. The visual appearance of the plaque was Opaque and the Total White Light Transmission (TWLT) was between 14.4% and 17.7 % as determined by a Hunterlab colorimeter using ASTM E1331 and ASTM E1163.

4. That the results of the above experiments show the formulations presented by the Hennig reference are far outside the application targets for frosted articles as claimed in the present application.

5. That Sample 2, submitted with this Declaration, is a commercial sample that is of the same composition described in Applicant's specification as Example 5, FST-20.

6. That Sample 3, submitted with this Declaration, is a sample using beads of the same composition and similar average particle size as those of FST-20 in Sample 2, the difference being that Sample 3 has a 40% loading of the beads in the matrix.

7. That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements may jeopardize the validity of this application or any patent issued thereon.

Date: 7-30-2004

Signature: _____


Shi Jun Yang